

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6897

BILL NUMBER: HB 1408

NOTE PREPARED: Jan 16, 2006

BILL AMENDED:

SUBJECT: Expungement of Criminal and Juvenile Records.

FIRST AUTHOR: Rep. Porter

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. It allows a sentencing court to expunge the records of convictions if a person has been pardoned or if five years have passed since: (1) the completion of the person's sentence; and (2) the satisfaction of any other obligations imposed on the person as a part of the sentence.
- B. It provides that the Sentencing Policy Study Committee shall study the impact of sealing and expunging criminal records, including the impact on employment and recidivism rates.

Effective Date: Upon passage; July

Explanation of State Expenditures: The Indiana State Police maintain the criminal history data base. Any additional staff and computer time would likely be able to be covered within the existing level of resources.

The number of persons who have been released from the Department of Correction, county jails, probation departments, parole or community corrections, whom the Governor has pardoned and who have satisfied any other obligations that the sentencing court has ordered is not available. [*Note:* This fiscal note will be updated when information is available about the number of Governor pardons issued since 2001.]

Explanation of State Revenues: *Court Fee Revenue:* If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil filing fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record.

Explanation of Local Expenditures: Costs incurred by courts would increase as additional hearings occur. The cost incurred would vary by county and would depend on the number of people who sought an expungement. Also, court employees would have to send criminal history to the court for sealing resulting in additional staff and computer time.

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees.

State Agencies Affected: Indiana State Police, Clerk of the Supreme Court.

Local Agencies Affected: Trial Courts.

Information Sources: Major Anthony Sommer, Staff Attorney, Indiana State Police.

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